

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 21-30, 32, and 36-46 are pending in this application. Claims 21 and 36 are independent claims. Claims 21, 28, 30, 36, 37, and 40 are amended. Claims 1-2, 31 and 34-35 were previously cancelled, and Claim 33 is presently cancelled, all without prejudice. New Claims 45 and 46 are added. Reconsideration and allowance of the present application are respectfully requested.

Claim Objections

Claims 21-23, 24-30, 32-33 and 43-44 are objected to because of informalities. The objection to Claim 33 is now moot in view of its cancellation. Applicant has amended Claim 21 to address the issue stated in the Office Action. Therefore, Applicant respectfully requests that the objections to Claims 21-23, 24-30, 32, and 43-44 be withdrawn.

Specification

At page 3, the Office Action objects to the specification as allegedly failing to provide proper antecedent basis for the claimed subject matter, specifically referring to Claims 27 and 44. Applicant respectfully submits that the specification includes adequate disclosure/antecedent basis, e.g., at paragraph [0010]. Therefore, Applicant respectfully requests withdrawal of this objection.

Claim Rejections under 35 U.S.C. §101

Claims 21-23, 24-30, 32-33 and 43-44 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The rejection of Claim 33 is now moot in view of its cancellation. With respect to the other claims, this rejection is respectfully traversed for at least the following reasons.

Applicant has amended Claim 21 to recite, “producing a main stream in a nominal format of the selected original video sequence, using video processing equipment, wherein the main stream is produced based on said first part;” and “producing complementary digital information based on said second part, using the video processing equipment, wherein the complementary digital information is personalized for respective users and is complementary to the main stream.” Therefore, it is respectfully submitted that the process is tied to particular apparatus (“video processing equipment”) and that this is not merely tied to pre- or post-solution activity.

It is further noted that the process recited in Claim 21 transforms an “original video sequence,” representing some object or objects (i.e., a video sequence represents pictures of something) into a different representation of the real-world object (i.e., main stream and complementary digital information). Therefore, it is further submitted that Claim 21 also meets the “transformation” prong of the “machine-or-transformation” test cited in *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

Therefore, Applicant respectfully requests that the rejections of Claims 21-23, 24-30, 32, and 43-44 under 35 U.S.C. §101 be withdrawn.

Claim Rejections under 35 U.S.C. §112

Claims 21-30, 32-33 and 36-44 stand rejected under 35 USC §112, second paragraph, as being indefinite. The rejection of Claim 33 is now moot in view of its cancellation. With respect to the other claims, this rejection is respectfully traversed for at least the following reasons.

First, at page 5, the Office Action cites the use of “respective users,” “a user,” and “the user,” in Claims 21, 26, 27, 28, 30, 32, 33, 36, and 37, as allegedly rendering these claims ambiguous “since the relationship(s) of the recited user(s) are unclear.” Office Action at page 5. Using the language of Claim 21 as an example, and noting that Claim 36 contains similar language, the first recitation in the claim is, “wherein the complementary digital information is personalized for respective users and is complementary to the main stream.” It is clear from the language that this is not referring to any particular user, but rather to any user; in other words, it is saying that personalization of the complementary digital information is performed for each user. The next recitations are, “distributing the main stream to a user in response to a selection by the user,” and “in response to information received from the user’s equipment.” At this point,

“a user” is a particular user, and “the user” subsequently refers to that particular user. Similar recitations occur in the other cited claims. In view of this discussion, it is respectfully submitted that there is no ambiguity in Applicant’s use of “user” in these various forms.

Next, the Office Action rejects Claim 37 based on the use of “conditional means of.” Applicant has elected to amend this claim to present it in means-plus-function format, and also to amend the claim wording to more closely parallel paragraph [0013] of the specification.

The Office Action, at page 6, objects to the use of “automaton/device” in Claim 40. Applicant has elected to amend Claim 40 to recite, “automaton or device,” instead.

Also at page 6, the Office Action objects to the use of “the video stream” in Claim 30. Claims 30 has been amended to address this.

Again at page 6, the Office Action asserts that antecedent basis for “the selection” in Claim 26 is unclear. Applicant respectfully disagrees. Antecedent basis refers to the exact wording. In this case, it is completely clear that “the selection” is a reference back to “a selection” in Claim 21.

At page 7, the Office Action rejects Claims 21-30, 32, 33, 43, and 44 based on alleged omissions of essential steps. Again, the rejection of Claim 33 is moot in view of its cancellation. With respect to the other claims, Applicant has amended Claims 21, 28, and 30 and believes that these amendments address the bases for rejection as discussed at page 7 of the Office Action.

Therefore, Applicants respectfully request that the rejections of Claims 21-30, 32, and 36-44 under 35 U.S.C. §112 be withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 21-30, 32-33 and 36-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter (hereinafter “Ginter”) in view of U.S. Patent Publication No. 2002/0143807 to Komatsu (hereinafter “Komatsu”). As noted above, Claim 33 has been cancelled, thus rendering moot its rejection. With respect to the other claims, however, this rejection is respectfully traversed for at least the following reasons.

There are presently two independent claims, Claims 21 and 36. Claim 21 includes the recitation of “sending the complementary digital information corresponding to the main stream to the user, in response to information received from the user’s equipment upon initiation of

viewing the main stream, during viewing of the main stream.” Claim 36 similarly recites, “wherein the video server is configured to send said complementary digital information to a user, in response to information received from the user’s equipment upon initiation of viewing the main stream, during viewing by the user of the main stream.” The Office Action, at pages 8-9, acknowledges that Ginter fails to disclose “sending the complementary digital information corresponding to the main stream to the user, in response to information received from the user’s equipment upon initiation of viewing the main stream, during viewing of the main stream,” and Applicant agrees with this assessment of Ginter. At page 10, however, the Office Action alleges that Komatsu, at paragraphs 36, 37, 41, 48, 58, and 74-79, teaches these elements of the claims. Applicant respectfully disagrees.

These paragraphs of Komatsu explain that, following user authentication by a “complementary content server,” a connection is established, and the server receives a content ID from the “reproducing device (a user)” and “sends the complementary content 32 designated by the content ID 22 to the device 10.” Komatsu at paragraph 36. Other cited paragraphs contain similar or related discussion. However, none of the cited paragraphs of Komatsu address the timing, i.e., when the complementary content is sent to the device. Komatsu addresses timing, e.g., in paragraph 41, which recites, “...at the time of reproduction, the content reproducing device 10 receives the complementary content 32 on the basis of the content ID 22, and restores the content 31 to its original state...” Komatsu at paragraph 41. In other words, Komatsu discusses that the device 10 receives the complementary content “at the time of reproduction,” but Komatsu does not disclose or suggest that this is or continues “during viewing,” as in Claims 21 and 36. Hence, it is respectfully submitted that the cited references fail to teach at least these elements of independent Claims 21 and 36.

Applicant also notes that Claim 30 recites, “The method according to claim 43, wherein said distributing comprises forwarding the standard physical support medium to the user by a distributor, and wherein said sending comprises, during use of the standard physical support medium by the user, sending the complementary digital information as viewing progresses.” Again, based on the above discussion, it is clear that Komatsu fails to disclose or suggest that the complementary digital information is sent “as viewing progresses.” For at least this further reason, it is respectfully submitted that Claim 30 is allowable over the cited references.

Therefore, Applicant respectfully requests that this rejection of Claims 21-30, 32, and 36-44 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01124-US1 from which the undersigned is authorized to draw.

Dated: December 15, 2009

Respectfully submitted,

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